

FILED
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF TEXAS
 SHERMAN DIVISION

AUG - 3 2022

UNITED STATES OF AMERICA	§	BY DEPUTY
	§	
v.	§	No. 4:22CR 191
	§	Judge Jordan
RICHARD WAYNE SMITH	§	

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 18 U.S.C. §§ 2252A(a)(1)
 and (b)(1) (Transportation of Child
 Pornography)

Between on or about February 25, 2022, and on or about March 1, 2022, in the Eastern District of Texas, and elsewhere, **Richard Wayne Smith**, defendant, did knowingly transport any child pornography, as defined in Title 18, United States Code, Section 2256(8), using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer. Specifically, the defendant, **Richard Wayne Smith**, transported a Seagate 2TB external hard drive, bearing serial number NABE2WZB, that contained the following visual depictions in and affecting interstate and foreign commerce:

FILE IDENTIFIER	DESCRIPTION
8yo boy fucks girl.avi	This video depicts a prepubescent female laying on her back on a bed while a prepubescent male stands between her legs and penetrates her vagina with his penis.

3yo Girl Held In Mom's Lap While 9yo Son And Father Fuck Her(Sound).avi	This video depicts a prepubescent female laying on her back on an adult female's lap. A prepubescent male stands between her legs and penetrating the prepubescent female's vagina with his penis. An adult male then penetrates the prepubescent female's vagina with his erect penis.
1.5y-dildo-full-penetration.mp4	This video depicts an adult male wearing a black head and face covering performing oral sex on an infant female's genitals. The adult male then penetrates the infant female with his erect penis and with a pink foreign object. The adult male then puts his erect penis in the child's mouth.
4yo Simmi Fucking.mp4	This video depicts a prepubescent female laying on her back on a bed while an adult male penetrates her genitals with his erect penis while holding her legs down and apart.
Kait- Anal-Dildo- 10'13 (5Yo Kathie Long-2010).mp4	This video depicts a prepubescent female laying face down on a bed with her anus in the air. An adult male penetrates the female's anus with a white cylindrical object before penetrating the anus and vagina of the female with his erect penis.

In violation of 18 U.S.C. §§ 2252A(a)(1) and (b)(1).

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

Upon conviction of the offense(s) alleged in this Indictment, the defendant,

Richard Wayne Smith, shall forfeit to the United States his interest in the following property, including, but not limited to:

Seagate 2TB external hard drive, bearing serial number NABE2WZB.

This property is forfeitable pursuant to 18 U.S.C. § 2253(a) based upon the property being:

1. any visual depiction described in section . . . 2252 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
2. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; or
3. any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

By virtue of the commission of the offense alleged in this Indictment, any and all interest the defendant has in this property is vested in and forfeited to the United States pursuant to 18 U.S.C. §§ 2253(a)(1), (a)(2), and (a)(3).

A TRUE BILL



GRAND JURY FOREPERSON

BRIT FEATHERSTON
UNITED STATES ATTORNEY



MARISA J. MILLER
Assistant United States Attorney

Date: 8/3/22

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§
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NOTICE OF PENALTY

Count One

Violation: 18 U.S.C. §§ 2252A(a)(1) and (b)(1)

Penalty: Imprisonment for not less than five years and not more than twenty years; but if the defendant has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography or sex trafficking of children, such person shall be imprisoned for not less than fifteen years and not more than forty years; a fine of not more than \$250,000; and a term of supervised release of not less than five years to life.

Special Assessment: \$ 100.00

JVTA Assessment: \$ 5,000.00